

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2011 JUN 24 AM 10:17
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MJC
DEPUTY

EDDIE RODRIGUEZ,
MILTON GERRARD WASHINGTON,
BRUCE ELFANT, ALEX SERNA,
SANDRA SERNA, BETTY F. LOPEZ,
DAVID GONZALEZ, BEATRICE
SALOMA, JOSÉ NORBERTO RIVERA,
TRAVIS COUNTY, and CITY OF AUSTIN

Plaintiffs,

vs.

CIVIL ACTION NO. 1:11-cv-00451-LY

RICK PERRY, in his official capacity as
Governor of the State of Texas;
DAVID DEWHURST, in his official
capacity as Lieutenant Governor of the State
of Texas,
JOE STRAUS, in his official capacity as
Speaker of the Texas House of
Representatives,
HOPE ANDRADÉ, in her official capacity
as Secretary of the State of Texas,
STATE OF TEXAS
BOYD RICHIE in his official capacity as
Chair of the Texas Democratic Party, and
STEVE MUNISTERI, in his official capacity
as Chair of the Republican Party of Texas,

Defendants.

AGREED ORDER REGARDING PRELIMINARY SCHEDULE


On June 20, 2011, the Court held a status conference in this case. Counsel for all parties attended. Having considered the parties' position on certain preliminary issues discussed at that status conference and the agreed order regarding preliminary schedule presented by the parties, the Court finds the preliminary scheduling order provides for the prompt and timely resolution of

certain preliminary issues in this cause, and that the same should be and is hereby GRANTED.

The Court therefore ORDERS as follows:

1. By Monday, June 27, 2011, all parties shall provide the Court with briefing, or join in briefing, addressing the following issues: (1) the applicability of *Perry v. Del Rio*, 66 S.W.3d 239, 256 (Tex. 2001) in the event a redistricting plan is adopted; (2) whether *Perry v. Del Rio* constitutes state substantive or procedural law; and (3) the extent and degree to which a single district judge can act before a three-judge panel is convened under 28 U.S.C. § 2284.
2. Any responsive briefing shall be provided to the Court by Wednesday, June 29, 2011.
3. Plaintiffs shall file an amended complaint as soon as practicable after a redistricting plan is adopted. The Court takes notice that the State has agreed to accept service of the amended complaint of behalf of all Defendants and that no additional summons is required.
4. Defendants' answer deadline shall be extended to 20 days after the filing of Plaintiffs' amended complaint. The extension of each Defendant's answer deadline is contingent on that Defendant's entry of an appearance in this matter on or before Monday, June 27, 2011.
5. All requirements of Federal Rule of Civil Procedure 26 and the local rules are abated until further order of the Court.

Signed this 24th day of June, 2011.



THE HONORABLE LEE YEAKEL
United States District Judge

AGREED:

/s/ Max Renea Hicks

Max Renea Hicks

Attorney for Plaintiffs Eddie Rodriguez, et al.,
Travis County and the City of Austin

/s/ David Schenck

David Schenck

Deputy Attorney General for Legal Counsel as
Attorney for Defendants Governor Rick Perry,
Lt. Governor David Dewhurst, Speaker Joe
Straus, Secretary of State Hope Andrade and
The State of Texas

/s/ Chad W. Dunn

Chad W. Dunn

Attorney for Defendant Chair of the Texas
Democratic Party Boyd L. Richie

/s/ Donna Garcia Davidson

Donna Garcia Davidson, as Attorney for
Defendant Chair of the Republican Party of
Texas Steve Munisteri